

IN RE: PETITION FOR ZONING VARIANCE
NE/cor. Sylvan Avenue and
Red Bird Avenue
15th Election District
5th Councilmanic District
Timothy M. Fitch, et al
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-308-A

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a rear yard setback of 28 feet in lieu of the required 30 feet for a new dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of February, 1988 that a rear yard setback of 28 feet in lieu of the required 30 feet for a new dwelling, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

Property Description

Beginning on the northeast corner of Sylvan Avenue (30foot R/W) and Red Bird Avenue (25 foot R/W). Being lots 404, 405, and 406, in the subdivision of Twin River Beach, Section A. Book no. 9, Folio 33.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: 14 days
Petitioner: Timothy M. Fitch, et al
Location of property: NE/cor. Sylvan & Red Bird Ave.
Location of Sign: 15th Election District, 5th Councilmanic District
Remarks: See Petition & Exhibit 1
Posted by: [Signature]
Number of Signs: 1

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

Timothy M. Fitch, et al
NE/cor. Sylvan Ave. & Red Bird Ave.
88-308-A
ORDER
Date: 2/11/88
By: [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1302.3.C.1. to permit a rear yard setback of 28 feet in lieu of the required 30 feet.

I, the undersigned, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

I bought a lot (S) under the impression I could build a nice home on it after I went to apply for a permit, I discovered that I could not build the house I wanted on my lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: (Type or Print Name) _____
Signature: _____
Address: _____
City and State: _____

Legal Owner(s): (Type or Print Name) _____
Signature: _____
Address: _____
City and State: _____

Attorney for Petitioner: (Type or Print Name) _____
Address: _____
City and State: _____
Horney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1988, at _____ o'clock _____ M.

TESTIMONY OF THE COMMISSIONER: I, _____, Zoning Commissioner of Baltimore County, do hereby certify that the foregoing is a true and correct copy of the petition and order as filed in my office.

ALL OTHERS: _____
REVIEWED BY: _____

February 11, 1988

Mr. & Mrs. Timothy M. Fitch
13203 Eastern Avenue
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
NE/cor. Sylvan Avenue and Red Bird Avenue
15th Election District, 5th Councilmanic District
Case No. 88-308-A

Dear Mr. & Mrs. Fitch:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

ANN:bjs
Enclosures
cc: People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Mr. & Mrs. Timothy M. Fitch
13203 Eastern Avenue
Chase, Maryland 21220

Re: Case numbers 88-308-A
NE/cor. Sylvan Avenue and Red Bird Avenue
15th Election District - 5th Councilmanic District
Petitioners: Timothy M. Fitch, et al

Dear Mr. & Mrs. Fitch:

Please be advised that \$46.64 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45955

DATE: 2/11/88 ACCOUNT: 15th-615

AMOUNT: \$46.64 net of

RECEIVED FROM: [Signature]
FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 21, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 21, 1988.

THE JEFFERSONIAN,

[Signature]
Publisher

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-308-A
NE/cor. Sylvan Avenue and Red Bird Avenue
15th Election District - 5th Councilmanic District
Petitioners: Timothy M. Fitch, et al
DATE/TIME: TUESDAY, FEBRUARY 11, 1988 at 9:00 a.m.

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15th Election District - 5th Councilmanic District
Petitioners: Timothy M. Fitch, et al
DATE/TIME: TUESDAY, FEBRUARY 11, 1988 at 9:00 a.m.

Variance to permit a rear yard setback of 28 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a Building Permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 41751

DATE: 2-11-88 ACCOUNT: 15th-615

AMOUNT: \$46.64 net of

RECEIVED FROM: [Signature]
FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

722²⁸

The Times

Middle River, Md., Jan 25 1988

This is to Certify, That the annexed
Notice Filed
Reg # MI 0714

was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of one successive
weeks before the 26th day of
Jan 1988
James B. ... Publisher.


J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Norman E. Gerber, AICP
Director

CPS-00R *j*

Very truly yours,
James E. Dyer/kre
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb
Enclosure

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

Dennis F. Rasmussen
County Executive

~~21220~~

REF ID:

